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10/572,716	11/22/2006	Carmen Kuhl	NK0.064.WUS	3401
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Hollingsworth & Funk, LLC 8009 34th Avenue South Suite 125 Minneapolis, MN 54425			EXAMINER WRIGHT, BRYAN F	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/572,716

Applicant(s)

KUHL ET AL.

Examiner

BRYAN WRIGHT

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 7-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **FINAL ACTION**

1. This action is in response to Amendment filed November 17, 2008.
2. Claims 1, 7-10, 13, and 14 are amended. Claims 3, 5, and 6 are cancelled.  
Claims 15-20 are new. Claims 1, 2, 4, 7-20 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1, 2, 4, 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin (International Publication No. WO 01/57807 (cited from IDS)) in view of Casden et al. (US Patent Publication No. 2005/0036620 and Casden hereinafter).

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3. As to claim 1, Baldwin teaches a method comprising receiving encrypted data from an RFID tag [abstract]; decrypting said data by at least one decryption method (i.e. .... teaches decryption process step [pg. 10, lines 14-17]);

evaluating (i.e., comparison) if said data has been correctly decrypted by said at least one decryption method (i.e., ...teaches a comparison function upon decryption [pg. 10, lines 14-17] Those skilled in the art would recognize the comparison function as being a software routine for which is control by a main routine such that if a exception happens in the decryption routine, the comparison routine will not be pass the proper data and therefore cause a exception in the comparison routine);

based upon the last-performed evaluation, deriving a tag type from the last decryption method evaluated [pg. 10, lines 15-25].

Baldwin does not teach:

when the at least one decryption method) has not correctly decrypted the data, decrypting the data by at least a second decryption method and evaluate if the data has been correctly decrypted by the second decryption method

However, these features are well known in the art and would have been an obvious modification of the system disclosed by Baldwin as introduced by Casden. Casden discloses:

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when the at least one decryption method (e.g., other decryption keys has not correctly decrypted the data, decrypting the data by at least a second decryption method (e.g., other decryption keys) and evaluate if the data has been correctly decrypted by the second decryption method (to provide for the capability to utilized multiple decryption keys for the purpose of decrypting encrypted data [fig. 2].

Therefore, given the teachings of Casden, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Baldwin by employing the well known features of utilizing multiple decryption keys for decrypting encrypted data disclosed above by Casden, for which signal interrogation will be enhanced [fig. 2].

4. As to claim 2, Baldwin teaches a method where said encrypted data is requested by sending an interrogation signal (i.e., ...teaches a read or interrogation takes place of encrypted data [pg. 6, lines 5-15]).

5. As to claim 3, Cancelled.

6. As to claim 4, Baldwin teaches a computer program product comprising program code means stored on a computer readable medium for carrying out the method of claim 1 when said program product is run on a computer or network device (i.e., ... teaches portable handheld RFID interrogator [pg. 12, lines 15-20] ... further teaches

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program code [pg. 4, lines 30-32] recognize inherent to such device is software running on said device to perform the read function).

7. As to claim 5, Cancelled.

8. As to claim 6, Cancelled.

9. As to claim 7, Baldwin teaches a device, comprising a radio frequency identification tag reader for receiving data from a radio frequency identification tag [pg. 4, lines 8-15], a decryptor for decrypting said data by at least one of a plurality of decryption methods (i.e. .... teaches decryption process step [pg. 10, lines 14-17]), the decryptor being suitable to evaluate if said data has been correctly decrypted by each of the plurality of decryption methods (i.e., ...teaches a comparison function upon decryption [pg. 10, lines 14-17] Those skilled in the art would recognize the comparison function as being a software routine for which is control by a main routine such that if a exception happens in the decryption routine, the comparison routine will not be pass the proper data and therefore cause a exception in the comparison routine), and a data processing unit suitable to derive a tag type from the evaluated decryption methods and to generate a corresponding output [pg. 10, lines 15-25].

Baldwin does not teach the claim limitation element of a plurality of decryption methods:

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However, these features are well known in the art and would have been an obvious modification of the system disclosed by Baldwin as introduced by Casden. Casden discloses: the use of a plurality of decryption methods (e.g., other decryption keys) (to provide for the capability to utilize a plurality of decryption keys to decrypt encrypted data [fig. 2].

Therefore, given the teachings of Casden, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Baldwin by employing the well known features of utilizing multiple decryption keys for decrypting encrypted data disclosed above by Casden, for which signal interrogation will be enhanced [fig. 2].

10. As to claim 8, Baldwin teaches the device where said device further comprises a transmitter for sending an interrogation signal to a radio frequency identification tag [pg. 4, lines 10-20].

11. As to claim 9, Baldwin teaches the device where said device is comprises a mobile terminal device (i.e., ... teaches portable handheld RFID interrogator [pg. 12, lines 15-20]).

12. As to claim 10, Baldwin teaches the device where said device is enabled to communicate via a public land mobile network (i.e., ...teaches RFID tags and RFID

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interrogators [pg. 5-25] Those skilled in the art would recognize the operation of RFID tags and RFID interrogators in the public domain. Such that the interrogator can be utilized to interrogate multiple RFID tags. Those skilled in the art would recognized such interrogation of multiple RFID tags within the public domain inherently prescribes a mobile network).

13. As to claim 11, Baldwin teaches a radio frequency identification tag [pg. 2, lines 5-10], containing encrypted data [pg. 2, lines 25-30], and comprising a transmitter for sending said data to a radio frequency identification tag reader (i.e., ... teaches a antenna connected to a memory device [pg. 4, lines 10-15], where characterized in that said encrypted data contains an indication of the type of radio frequency identification tag [pg. 4, lines 25-32].

14. As to claim 12, Baldwin teaches a radio frequency identification tag where said radio frequency identification tag also further comprises a receiver for receiving interrogation signals from a radio frequency identification tag reader (i.e., ... teaches receiving a signal from RFID interrogator [pg. 4, lines 10-15]).

15. As to claim 13, Baldwin teaches the device where said device comprises a mobile terminal device (i.e., ... teaches portable handheld RFID interrogator [pg. 12, lines 15-20]).



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16. As to claim 14, Baldwin teaches the device, where said device is enabled to communicate via a public land mobile network (i.e., ...teaches RFID tags and RFID interrogators [pg. 5-25] Those skilled in the art would recognize the operation of RFID tags and RFID interrogators in the public domain. Such that the interrogator can be utilized to interrogate multiple RFID tags. Those skilled in the art would recognized such interrogation of multiple RFID tags within the public domain inherently prescribes a mobile network).

17. As to claim 15, Baldwin teaches a method of claim 1, wherein the tag type is at least one of public, private, and subscription.

18. As to claim 16, Baldwin teaches a method of claim 1, wherein decrypting said data includes using three or more decryption methods and one of the methods correctly decrypts the data (i.e., ... teaches Baldwin teach the use of decryption for purposes of decrypting data [pg. 10, lines 25-33.

Baldwin does not teach the claim limitation element of using a plurality of decryption methods. However, these features are well known in the art and would have been an obvious modification of the system disclosed by Baldwin as introduced by Casden. Casden discloses: the use of a plurality of decryption methods (e.g., other decryption keys) (to provide for the capability to utilize a plurality of decryption keys to decrypt encrypted data [fig. 2].

Therefore, given the teachings of Casden, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Baldwin by employing the well known features of utilizing multiple decryption keys for decrypting encrypted data disclosed above by Casden, for which signal interrogation will be enhanced [fig. 2].

19. As to claim 19, Baldwin teaches a device where the tag type is at least one of public, private, and subscription [pg. 4, lines 15-25].

2. As to claims 17, 18 and 20, the system disclosed by Baldwin shows substantial features of the claimed invention (discussed in the paragraph above), it fails to disclose:

A method where each decryption method identifies one tag type (claim 17).

A method where when none of the decryption methods correctly decrypt the data, the derived tag type is unknown (claim 18).

A device where each decryption method identifies one tag type (claim 20).

However, these features are well known in the art and would have been an obvious modification of the system disclosed by Baldwin as introduced by Casden. Casden discloses:

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A method where each decryption method (e.g., other decryption keys) identifies one tag type (e.g., Tag UID) (claim 17) (to provide identification of tag after decryption [par. 25]).

A method where when none of the decryption methods (e.g., other decryption keys) correctly decrypt the data, the derived tag type is unknown (claim 18) (to provide for the capability to have unsuccessful decryption of encrypted data, thereby distinguishing between authorized and unauthorized tags [par. 27]).

A device where each decryption method identifies one tag type (e.g., Tag UID) (claim 20) (to provide identification of tag after decryption [par. 25]).

Therefore, given the teachings of Casden, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Baldwin by employing the well known features of utilizing multiple decryption keys for decrypting encrypted data disclosed above by Casden, for which signal interrogation will be enhanced [fig. 2].

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 4, 7- 14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN WRIGHT whose telephone number is (571)270-3826. The examiner can normally be reached on 8:30 am - 5:30 pm Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYAZ Sheikh can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRYAN WRIGHT/  
Examiner, Art Unit 2431

/Kimyen Vu/  
Supervisory Patent Examiner, Art Unit 2435